TOWN OF DISCOVERY BAY CSD

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October 27, 2008

Ken Landau, P.E., AEO
California Regional Water Quality Control Board
Region 5
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

RE: Town of Discovery Bay Community Services District Tentative Order Review

Dear Mr. Landau:

Herewith, the Town of Discovery Bay Community Services District (District) is providing its review comments on the Tentative Order proposed to regulate the treatment and disposal of wastewater from the Town of Discovery Bay Community Services District. Overall, the District believes the Order is well crafted and appropriate. We request that the following technical/policy matters be considered by Regional Water Board management prior to the Tentative Order being submitted to the Regional Water Board for approval. We have also attached a list (Attachment A) of what we believe are typographic-type errors that should be cleaned up before the permit is adopted, though they do not impact the sum and substance of the Tentative Order.

Dry Weather Flow Limit: In submitting our NPDES renewal application and Tentative Order we would like to request that the new Order contain a 3.0 Mgal/d average dry weather flow (ADWF) limit with a 2.1 Mgal/d interim limit until such time that the District submit and the EO find adequate the engineering, CEQA, and anti-degradation analyses justifying an increase in the ADWF, all within the currently permitted maximum day flow limit of 6.0 Mgal/d. We continue to ask that the new Order contain a 3.0 Mgal/d ADWF limit because we are in the process of justifying an ADWF capacity increase beyond 2.1 Mgal/d at this time. If the Order does not contain the means to administratively increase the ADWF, then the District will need to either file another Report of Waste Discharge, or request re-opening of the adopted Order in the near future. We are prepared to do that; we are tying to facilitate the permitting of these planned increases in ADWF in a matter that minimizes waste of staff time and still complies with due process. If a 3.0 Mgal/d ADWF limit cannot be included in the Tentative Order, then we suggest that specific re-opener language be included in the Reopener Provisions section of the Tentative Order to facilitate "surgical" re-opening of the Order at some point to address this specific matter.

Copper Effluent Limitations: The District is concerned about the proposed copper AMEL and MDEL effluent limitations of 50 µg/L and 70 µg/L, respectively, based on the Regional Water Board staff's Best Professional Judgment compared to the SIP-derived AMEL and MDEL effluent limitations of 172 µg/L and 323 µg/L, respectively, presented in the Fact Sheet. With effluent copper being monitored twice per month, the data used by the Regional Water Board staff in developing its Best Professional Judgment would appear to have the District in non-compliance twice in the past 5 years (once for exceeding an MDEL of 70 µg/L, and once for exceeding an AMEL of 50 µg/L). However, the dataset also suggests that the District would be near, or at, the proposed AMEL limit of 50 µg/L on at least three other occasions. In Discovery Bay, there is no industry. Effluent copper is believed to be from the water supply system, which the District is working on. As we work on that problem and try different corrosion control strategies, the District may experience some increased variability in copper corrosion and/or release rate from community piping. Because of the water supply work the District is conducting, and the unknown impact of short-term copper pipe corrosion rates and/or release rates, the District requests that the copper limits be based on SIP. This request is an alternative to the Best Professional Judgment approach in the Tentative Order that should not be implemented until the results from the District's work on the water supply are known. This will allow Best Professional Judgment to consider all the facts in the context of mitigation of other contaminants of concern without needlessly exposing the District to potential fines, lawsuits, and Anti-Backsliding arguments.

Compliance with Surface Water Limitations on Fecal Coliform (V.A.1.): The District understands the origins of this limitation, and believes what is needed is a discussion of how compliance is to be determined in Section VII considering that receiving water fecal coliform are monitored only once per quarter (Table E-5), not five times per month as some could infer is needed from the surface water limitation. The language used for total coliform compliance determination appears to be an appropriate base model for fecal coliform compliance determination.

UV Operating Specifications (VI.C.4.b) and Monitoring (Table E-8): As noted in our previous comments, and as evidenced by the BOD, TSS, and total coliform effluent limitations of the Tentative Order, the District plant provides secondary treatment, not tertiary treatment. Therefore, this plant does not have, or need, the monitoring features necessary to assure a pathogen-free effluent under Title 22. The secondary treatment process (like all secondary, non-Title 22, treatment processes) is based on effluent quality, not the methods and design criteria by which that effluent quality is achieved. The District's secondary effluent meets a total coliform standard. To require the District to monitor UV transmittance on a continuous basis is equivalent to requiring a chlorine-based secondary plant to monitor "Ct" (the product of chlorine residual and modal chlorine contact time) on a continuous basis. We again request that continuous UV transmittance monitoring be dropped from Section VI.C.4.b, and that continuous turbidity monitoring and UV transmittance monitoring be dropped for Table E-8.

Compliance with Average Dry Weather Flow Effluent Limitations: The District continues to be concerned that the method from compliance determination with ADWF effluent limitations on flows and mass loads is not sufficiently clear. If our previously suggested language revisions are unacceptable, then we request inclusion of the following language from the City of Jackson Order (Order No. R5-2007-0133):

> *"Average Dry Weather Flow Effluent Limitations. The Average Dry Weather Flow (ADWF) represents the daily average flow when groundwater is at or near normal and runoff is not occurring. Compliance with the ADWF effluent limitations will be determined annually based on the average daily flow over three consecutive dry weather months (e.g., July, August, and September)."*

Attachment B - Map: Per our previous comments, the Attachment B-Map included in the Tentative Order is out-of-date. A more accurate Attachment B Map is enclosed as Attachment B to this letter.

Attachment C – Flow Schematic: Per our previous comments, the Attachment C-Flow Schematic included in the Tentative Order is out-of-date. A more accurate Attachment C-Flow Schematic is enclosed as Attachment C to this letter.

Fact Sheet - Facility Description: The District believes that a more accurate description of the physical facility is as follows:

> *The Discharger provides sewerage service for the community of Discovery Bay and serves a population of approximately 16,000. The permitted dry weather daily average flow capacity is 2.1 mgd. The actual capacity of the facility may be as much as 3.0 mgd with little to no modification. Discharger is in the process of evaluating the reliable dry weather flow capacity of its treatment and disposal facilities under actual field conditions.*

Fact Sheet – Electrical Conductivity (Section IV.C.3.p.ii): We continue to believe that this section is confusing, as written. The section states the water quality objective for the receiving water is a maximum monthly average of 1,000 µmhos/cm. The section also states the maximum receiving water EC upstream of the discharge is 735 µmhos/cm. The section concludes with the statement that "these data show that the receiving water frequently has no assimilative capacity for EC", when the data presented show that the receiving water always has assimilative capacity for EC. We are requesting that this inconsistency be clarified and eliminated.

Fact Sheet - Dilution Credits "D" and Background Concentrations "B": Because this appears to be standard language that appears in all NPDES permits, we suggest that it be accurate in

disclosing that there are three types of dilution credits and two types of background concentrations "B". Only one type of "B" is the maximum receiving water concentration".

Fact Sheet – CWC Section 13263.3(d)(3) Pollution Prevention Plans (Section VII.B.3.a): The beginning of the first sentence should read, "The pollution prevention plan required for salinity shall . . .". This is what is required of the District in Section VI.C.3.c.ii.

Please keep the District apprised of the Tentative Order and any revisions you may make to it based on these comments, and comments you may have received from other parties. To the extent practicable, we would like to coordinate the District's testimony with that of your staff, should the permit be contested.

Should you have any questions or need further information please contact me at 925-634-1131 or via e-mail at vk1800todb@sbcglobal.net .

Sincerely,

Virgil Koehne

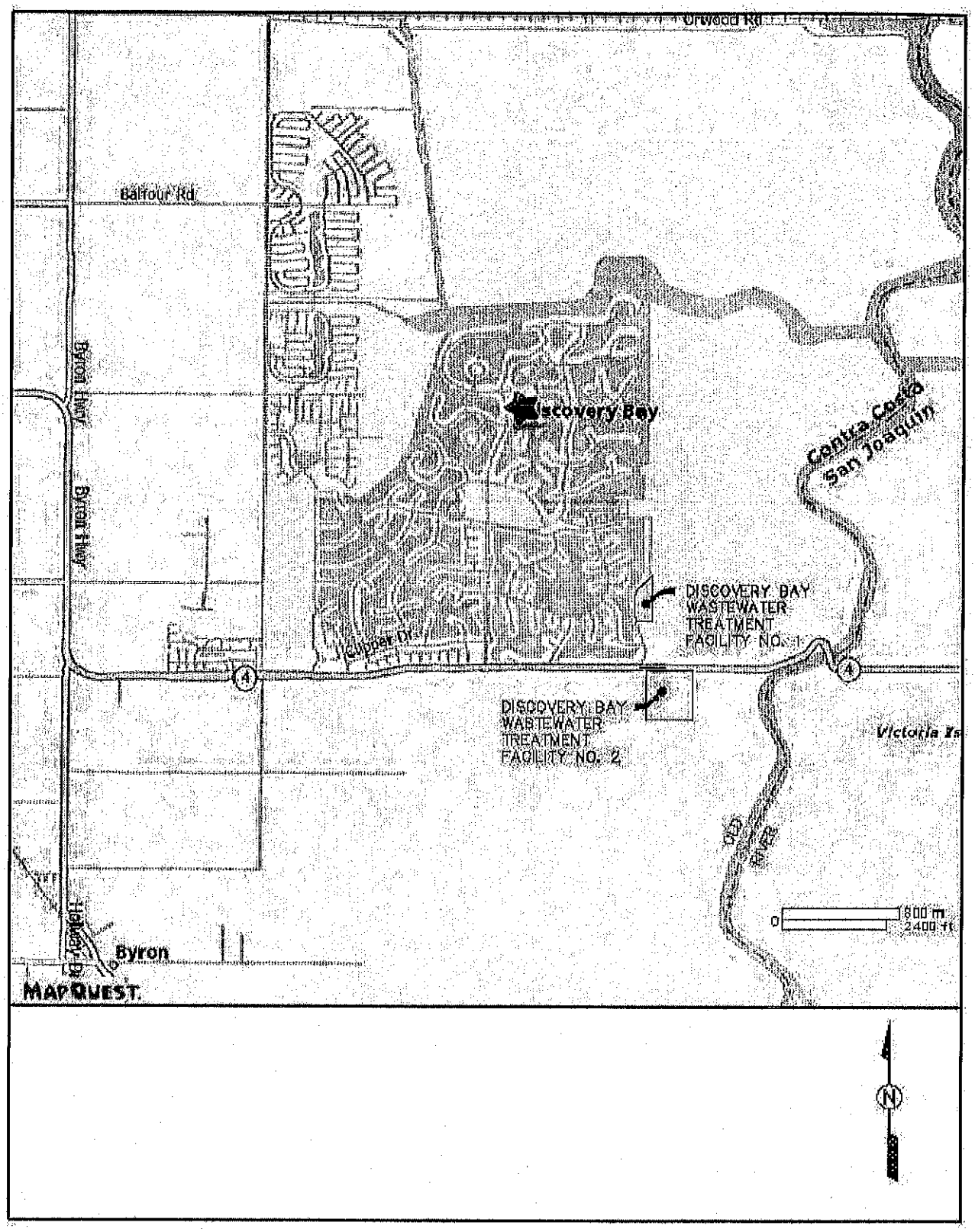
Virgil Koehne, General Manager
Town of Discovery Bay Community Services District

GH/vk
Attachments

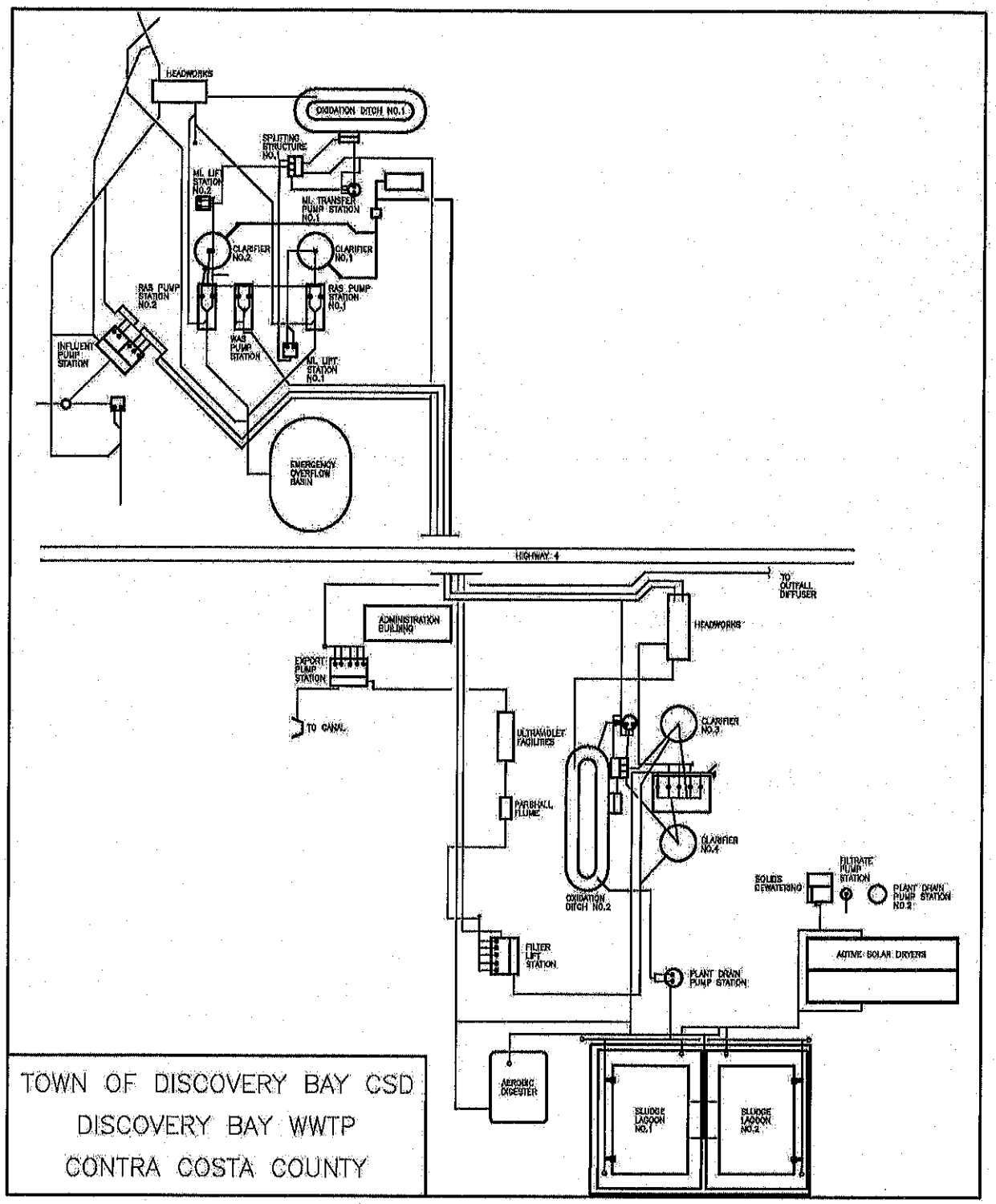
Attachment A

Typographic-type Errors

- Page F-3, Table F-1: The new zip code 94505.
- Page 9, Table 6: Effluent limitations should be rounded to 2-place accuracy, per SIP.
- Page F-16, Section IV.C.3.b: In the next to the last sentence, the word "most" should read "some" to be accurate.
- Page F-21, Section IV.3.C.j and l: The formatting jumps from Subsection "j" to Subsection "l", without there being a Subsection "k".



Attachment B – Map



Attachment C – Wastewater Flow Schematic